

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

NAACP OF SAN JOSE/ SILICON  
VALLEY, et al.,

Plaintiffs,

v.

CITY OF SAN JOSE, et al.,  
Defendants.

Case No. 21-cv-01705-PJH

**ORDER DENYING MOTION FOR  
LEAVE TO FILE MOTION FOR  
RECONSIDERATION**

Re: Dkt. No. 127

Plaintiffs have filed a motion for leave to file a motion for reconsideration of the court's order denying class certification of the proposed injunctive relief class. See Dkt. 127.

Plaintiffs first argue that the court "seems to have misunderstood who plaintiffs request their proposed injunctive relief would apply to," making clear that it would apply "against the City of San Jose only." Id. at 1. Plaintiffs thus argue that this case is similar to the MIWON case cited in the court's class certification order. See Dkt. 113 at 10 (citing Multi-Ethnic Immigrant Workers Org. Network v. City of Los Angeles, 246 F.R.D. 621 (C.D. Cal. 2007)). However, as pointed out in this court's previous order, the MIWON plaintiffs "brought suit against only LAPD command personnel," and did not pursue claims against individual line officers. See Dkt. 113 at 10. Although the plaintiffs in this case now appear to limit their injunctive relief claim to apply only against the city, they simultaneously wish to litigate individual damages claims against individual officers, and it is the multiple-track nature of plaintiffs' claims that distinguish it from the MIWON case.

1 Second, plaintiffs challenge the court's conclusion that the proposed injunctive  
2 relief lacked clarity as to its nature and scope, arguing that the court itself was able to  
3 identify the proposed injunctive relief at the hearing. See Dkt. 127 at 1. However, the  
4 court's statements were made at a very high level of generality, and would not be  
5 sufficient, without more, to support a claim for injunctive relief given the multiple and  
6 inconsistent ways in which such relief was described in the papers and the complaint.

7 Accordingly, plaintiffs' motion for leave to file a motion for reconsideration of the  
8 court's order denying certification of an injunctive relief class is DENIED.

9 **IT IS SO ORDERED.**

10 Dated: May 23, 2023

11 /s/ Phyllis J. Hamilton

12 PHYLLIS J. HAMILTON  
13 United States District Judge  
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United States District Court  
Northern District of California